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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,276	08/22/2000	Kiyonobu Kojima	SONY-U0059	8667
22850	7590	06/07/2004	EXAMINER	
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DUONG, OANH L	
		ART UNIT	PAPER NUMBER	
		2155		
DATE MAILED: 06/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/643,276	KOJIMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Oanh L. Duong	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03/16/2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (Watanabe) (US 2003/0115277 A1) in view of Shirai et al (Shirai) (US 2001/0042093 A1) in further view of Bernardi et al (Bernardi) (US 5,692,225)

Regarding claim 1, Watanabe teaches a picture transmission apparatus (seen Figs 3-4) comprising:

a camera for taking a picture (page 1 paragraph 6);

an input means for inputting information associated with said picture (page 2 paragraph 24);

a file select means for selecting a file (e.g., see page 1 paragraph 12-18).

Watanabe does not teach transmission information creation means, and storing picture and associated information in a file.

Shirai, in the same field of endeavor, teaches transmission information creation means for creating transmission information for transmitting information of a predetermined file selected by said file select means to a predetermined partner, wherein said transmission information is created when said predetermined file is selected in a batch operation when said predetermined operation is executed (e.g., see page 6 paragraph 116). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission creation means of Shirai in the process of transmitting picture information in Watanabe because such transmission information creation means would enable the mail tool to extract the information corresponding to a predetermined file and automatically generates an email

with an extracted information without any user interaction, thereby efficiently using electronic mail (Shirai, page 2 paragraph 24).

Kumar, in the same field of endeavor, teaches a memory means for storing picture and associated information as a file (col. 3 lines 56-62 and col. 4 lines 10-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the association information of Kumar in the file of Watanabe because such association information would provide adequate description for a file/picture, and thereby allowing user to easily locate a desired file/picture based on the association information.

Regarding claim 2, Watanabe teaches transmission information is an electronic mail (e.g., see abstract).

Regarding claim 3, Watanabe teaches transmission information is created so that associated information constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70).

Regarding claim 4, a method of claim 4 has a corresponding apparatus of claim 1; therefore, claim 4 is rejected under the same rationale as applied to claim 1.

Regarding claim 5, Watanabe teaches transmission information is an electronic mail (e.g., see abstract).

Regarding claim 6, Watanabe teaches associated information constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70).

Regarding claim 7, a program storage medium for storing a program to be executed by an information transmission apparatus of claim 7 has a correspondent

apparatus of claim 1; therefore, claim 7 is rejected under the same rationale as applied to claim 1.

Regarding claim 8, Watanabe teaches transmission information is an electronic mail (e.g., see abstract).

Regarding claim 9, Watanabe teaches associated information constitutes a text and picture information constitutes an attached file of the email (e.g., see page 4 paragraph 70).

Regarding claim 10, Watanabe teaches a picture transmission apparatus (seen Figs 3-4) comprising:

a camera for taking a picture (page 1 paragraph 6);

an input means for inputting information associated with said picture (page 2 paragraph 24);

a file select means for selecting a file (e.g., see page 1 paragraph 12-18).

Watanabe does not teach means for activating, transmission information creation means and memory for storing picture and associated information as a file.

Watanabe teaches digital camera (page 1, paragraph 6). It would have been obvious to one having ordinary skill at the time the invention was made to readily recognize that the digital camera includes means for activating a still-picture viewing program in which a still picture is viewed in a window on a display of the digital camera in order to allow user to review and delete unwanted pictures, and thereby increasing available memory for taking picture(s).

Shirai, in the same field of endeavor, teaches transmission information creation means for creating transmission information for transmitting information of a predetermined file selected by said file select means to a predetermined partner, wherein said transmission information is created when said predetermined file is selected in a batch operation when said predetermined operation is executed (e.g., see page 6 paragraph 116). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission creation means of Shirai in the process of transmitting picture information in Watanabe because such transmission information creation means would enable the mail tool to extract the information corresponding to a predetermined file and automatically generates an email with an extracted information without any user interaction, thereby efficiently using electronic mail (Shirai, page 2 paragraph 24).

Kumar, in the same field of endeavor, teaches a memory means for storing picture and associated information as a file (col. 3 lines 56-62 and col. 4 lines 10-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the association information of Kumar in the file of Watanabe because such association information would provide adequate description for a file/picture, and thereby allowing user to easily locate a desired file/picture based on the association information.

Regarding claim 11, Watanabe teaches transmission information is an electronic mail (e.g., see abstract).

Regarding claim 12, Watanabe teaches transmission information is created so that associated information constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70).

Regarding claim 13, a method of claim 13 has a corresponding apparatus of claim 11; therefore, claim 13 is rejected under the same rationale as applied to claim 11.

Regarding claim 14, Watanabe teaches transmission information is an electronic mail (e.g., see abstract).

Regarding claim 15, Watanabe teaches word information constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70).

Regarding claim 16, a program storage medium for storing a program to be executed by an information transmission apparatus of claim 16 has a correspondent apparatus of claim 10; therefore, claim 16 is rejected under the same rationale as applied to claim 10.

Regarding claim 17, Watanabe teaches transmission information is an electronic mail (e.g., see abstract).

Regarding claim 18, Watanabe teaches word information constitutes a text and picture information constitutes an attached file of the email (e.g., see page 4 paragraph 70).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D  
May 28, 2004

*M. Alam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER